

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number:

13-mj-635

A USPS Express Mail parcel with tracking number EI813724557US addressed to "Steven Noak, PO Box #72, Embarrass WI 54933" and containing the return address "KJ, 3535 Deep Canyon, BH Ca. 90210"

USDC EDWI
FILED IN GREEN BAY DIV

JUN - 5 2013

AT _____ O'CLOCK _____ M
JON W. SANFILIPPO

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Express Mail parcel with tracking number EI813724557US addressed to "Steven Noak, PO Box #72, Embarrass WI 54933" and containing the return address "KJ, 3535 Deep Canyon, BH Ca. 90210"

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 841(a)(1), 843(b), and 844(a).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date June 6, 2013

City and state: Green Bay, Wisconsin

Applicant's signature

Name and Title: Matt Schmitz, U.S. Postal Inspector

Judge's signature

THE HONORABLE WILLIAM C GRIESBACH

United States District Court Chief Judge

Name & Title of Judicial Officer

AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

I. INTRODUCTION

1. I have been employed by the United States Postal Inspection Service for approximately nine years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.

II. PARCEL TO BE SEARCHED

2. This affidavit is submitted in support of an application for a search warrant for a 12.25 inch by 12.25 inch by 12.5 inch Express Mail parcel with tracking number EI813724557US, mailed on June 3, 2013, from Van Nuys, CA 94106. This parcel bears addressee and return address information handwritten in black ink. The parcel is addressed to "Steven Noak, PO Box #72, Embarrass WI 54933" and bears a return address of "KJ, 3535 Deep Canyon, BH Ca. 90210." The parcel weighs approximately 6 lbs. and bears \$60.45 in postage.

III. INVESTIGATION

3. On May 7, 2013, I reviewed Express Mail labels from the Shawano, WI Post Office regarding Express Mail

parcels that had been mailed from the Shawano, WI Post Office. During this review I found that ten (10) Express Mail parcels had been mailed between January 14, 2013, and May 6, 2013, with each parcel containing a return address of "Steve Noak, PO Box 72, Embarrass, WI 54933." I saw these parcels were addressed to two different locations in California including "KJ 13600 Marina Point Dr. #914, Marina Del Ray, CA 90292," and "KJ #2227, c/o Price Storage, 3430 South La Brea Ave, West Los Angeles CA90016," and one location in Florida, "Anita Sgarro, 500 Royal Plaza Dr, Fort Lauderdale FL 33301." On or about May 8, 2013, I reviewed Express Mail labels from the Embarrass, WI Post Office regarding Express Mail parcels that had been delivered to residents in Embarrass, WI. I found 18 Express Mail labels documenting the delivery of Express Mail parcels to "Steve Noak, PO Box 72, Embarrass, WI 54933" from several locations in California between June, 2012, and April, 2013. I saw that all of these parcels ranged in weight between approximately two (2) to seven (7) pounds, a weight that is very common to parcels containing controlled substances, specifically marijuana. I saw the return addresses listed on the parcels delivered to Steve Noak at PO Box 72 in Embarrass, WI included "Peter Bill, 11967 Crystal Wells Rd, Nevada City, CA 95959," "Justin Morgan, 3039 Deep Canyon, BH Ca 90210 (sic)," "KJ 13600 Marina Pointe Dr, #914, MDR Ca 90292," "KJ 3197 Deep Canyon Dr, BH Ca 90210," "KJ 3037 Deep Canyon Dr, B.H. Ca 90210," "KJ 3731 Deep Canyon, B.H. Ca 90210," "KJ 3131 Deep Canyon, B.H. Ca. 90210," and "KJ 3535 Deep Canyon Dr, BH Ca 90210." I know from previous investigations involving the US Mail to transport controlled substances and proceeds related to the sale of controlled substances that individuals commonly use several techniques as evidenced in the mailings documented in this paragraph:

- A. Individuals receiving the controlled substances often pay for them by sending US Currency via the US Mail from a Post Office that is not near where they live. This is true considering the sender of the currency wishes to remain anonymous by visiting a Post Office they do not use to receive mail.
- B. The person receiving the controlled substances may use a PO Box or mailing location that is not the address of their residence. On May 28, 2013, I learned from US Postal Service records that Steve Noak of PO Box 72, Embarrass, WI, was believed to be living at W8356 Rustic Dr, Clintonville, WI 54929,

an address that is within the rural delivery area of the Clintonville Post Office. I know from previous investigations that individuals receiving controlled substances often receive the controlled substances at a remote or secondary location outside of their true residence as an effort to avoid detection and add additional layers of anonymity.

C. Individuals mailing controlled substances commonly use different return addresses on parcels containing controlled substances in an attempt to remain anonymous. Further, in investigations involving multiple possible controlled substance parcels it is common for the mailer to use several different house numbers on one particular street (3039 Deep Canyon, 3197 Deep Canyon Dr, 3037 Deep Canyon, 3731 Deep Canyon, 3131 Deep Canyon, 3535 Deep Canyon) as an effort to remain anonymous and avoid detection by law enforcement.

4. I know from my experience as a Postal Inspector that it is very unusual for an individual to receive multiple Express Mail parcels on a regular basis at a residential address. In my experience the only exception to this characteristic is when the individual receiving the parcels is associated with a legitimate business. When the individual receiving the parcels is associated with a business, however, the mailings are generally addressed to or under a business name and contain return addresses and names that are not fictitious or variations of a true address. For these reasons, I have learned that individuals mailing controlled substances and proceeds related to the sale of controlled substances use different addresses and names on parcels in an attempt to bolster their anonymity and avoid suspicion by law enforcement that illicit activity is occurring at a particular address.
5. On May 7, 2013, I instructed the Shawano, WI Post Office to contact me if any additional parcels containing the return address of "Steve Noak, PO Box 72, Embarrass, WI 54933" were mailed from their Post Office destined for an address in California. On May 23, 2013, I received information from the Shawano, WI Post Office that Express Mail parcel EI522155935US had been presented for mailing at the Shawano Post Office

and contained the return address of "Steve Noak, P.O. Box 72, Embarrass, WI 54933." I also learned from the Shawano Post Office that the parcel was addressed to "KJ, c/o Price Storage, 3430 South La Brea Ave, West Los Angeles CA 90016" and weighed 2 pounds, 2.5 ounces. On May 28, 2013, I applied for and received a federal search warrant issued in the Eastern District of Wisconsin by U.S. Magistrate Judge James Sickel under case number 13-M-632 to search the contents of Express Mail parcel EI522155935US for evidence of controlled substances, controlled substance paraphernalia, and/or proceeds or payment related to the sale of controlled substances. On May 28, 2013, I executed this search warrant and found Express Mail parcel EI522155935US contained \$3,100.00 in US Currency (consisting of 155-\$20.00 bills) that was concealed inside a hardcover Reader's Digest Condensed Book dated 1956 whose pages had been cut to accommodate the bundle of currency. I have learned through my investigative experience and training in the investigation of controlled substance trafficking that individuals using the US Mail to send US Currency for the purpose of purchasing controlled substances often mail substantial amounts of cash, commonly in excess of \$2,000, and frequently attempt to conceal the currency within the parcel. Individuals sending US Currency for purchasing controlled substances elect to mail large amounts of cash in order to avoid identifying themselves and the nature of their transaction by purchasing a money order or otherwise converting the cash into a negotiable monetary instrument.

6. On June 5, 2013, I learned from the Shawano Post Office that an individual identifying himself as Steven Noak had visited the Shawano Post Office on June 4, 2013, and inquired about two Express Mail parcels that he had sent. First, Noak showed the Shawano Post Office a mailing receipt regarding Express Mail parcel EI882210478US that had been mailed from the Schofield, WI Post Office on May 31, 2013, to "KJ #2227, c/o Price Storage, 3430 South La Brea Ave, West Los Angeles CA 90016" and contained the return address "SN, PO Box 72, Embarrass WI 54933." Noak requested a refund of the postage on this parcel and said the parcel had been delivered but was delivered later than the guaranteed delivery time of 12:00 PM on June 1, 2013. Next, Noak showed the Shawano Post Office a mailing receipt regarding Express EI522155935US.

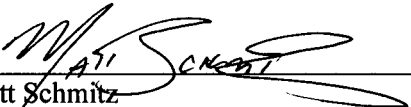
He told the Shawano Post Office the parcel had not been delivered and spoke to the Post Office about getting a refund of postage and reimbursement for the contents of the parcel. Noak reported the parcel was worth approximately \$30,000 and contained a "1950's hardcover Reader's Digest book" that was inside a "Net10" cell phone box. On June 5, 2013, I contacted the Schofield, WI Post Office and received a copy of the mailing label for Express parcel EI882210478US. I saw this parcel contained the same mailing address as Express Mail parcel EI522155935US that was found to contain \$3,100 in US Currency concealed inside a void in the pages of a hardcover 1956 Reader's Digest book (see paragraph 10 of this affidavit). Given the mailing history documented in this affidavit, I believe Express Mail parcel EI882210478US that was mailed from the Schofield, WI Post Office on May 31, 2013, contained US Currency and was sent considering the \$3,100 contained in Express Mail parcel EI522155935US had been seized pursuant to execution of a federal search warrant. Further, I have learned from previous controlled substance investigations, training, and the collective experiences of other Postal Inspectors who specialize in the investigations relating to the mailing of controlled substances and proceeds related to the sale of controlled substances that individuals who mail US Currency for the purpose of purchasing controlled substances commonly fail to accurately report the contents of a missing parcel for fear that providing the information would raise suspicion with the US Postal Service or law enforcement on the purpose of mailing the US Currency.

7. During the course of this investigation I had contact with the Embarrass, WI Post Office and had instructed them to contact me if any parcels arrived for delivery to PO Box 72. On June 5, 2013, I received information from the Embarrass Post Office that they had received for delivery to PO Box 72 Express Mail parcel EI813724557US. The Embarrass Post Office provided me with information showing the parcel was addressed to "Steven Noak, PO Box 72, Embarrass, WI 54933" and contained a return address of "KJ, 3535 Deep Canyon, BH Ca. 90210." On June 5, 2013, I queried the Accurint law enforcement database for information on the return address listed on the parcel, "3535 Deep Canyon, B.H. CA 90210," and received information showing this address was not known to exist. I know from my training and investigative

experience with controlled substances investigations that individuals using the US Mail to transport controlled substances commonly use a fictitious return address in an attempt to avoid detection by law enforcement. On June 5, 2013, Postal Inspector Derik Thieme travelled to the Embarrass Post Office to take custody of Express Mail parcel EI813724557US for further investigation.

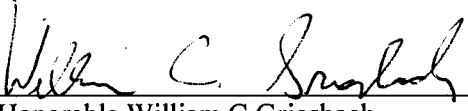
8. On June 5, 2013, Inspector Thieme contacted Waupaca County Deputy and K-9 Handler Bill Zeamer agreed to assist with presenting the subject Express Mail parcel EI813724557US to a dog sniff. Deputy Zeamer is a trained and experienced handler of a certified drug detection dog named "Arrow". Deputy Zeamer explained that Arrow is trained in detecting the presence of marijuana, cocaine, crack cocaine, heroin, ecstasy, and methamphetamine, and was last certified in detecting narcotics in November, 2012. Consistent with Deputy Zeamer's training, experience, and direction, the subject Express Mail parcel was placed in a room at the Clintonville Police Department among four other similar looking boxes that were known not to contain the odor of controlled substances. Arrow examined the room and Deputy Zeamer said Arrow alerted to the presence of controlled substances in the subject Express Mail parcel. Arrow did not alert on any of the other boxes or other areas in the room. Inspector Thieme retained custody of the subject Express Mail parcel and transported it to the US Postal Inspection Service office in Oneida, WI, in the Eastern District of Wisconsin where it is currently located.
9. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant issued by a Federal Court.
10. For these reasons, there is probable cause to believe that Express Mail parcel EI813724557US contains controlled substances, controlled substance paraphernalia, and/or proceeds or payment related to the sale

of controlled substances. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), and 843(b).



Matt Schmitz
U.S. Postal Inspector

Subscribed and sworn to before me this 5th day of June, 2013.



The Honorable William C Griesbach
United States District Court Chief Judge
Eastern District of Wisconsin